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Attorney for Defendants  
ASSURAVEST, LLC and  
HUGHES PRIVATE CAPITAL, LLC

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

VICTOIRE VAN DER PAS,

Plaintiff,

vs.

ASSURAVEST, LLC, and  
HUGHES PRIVATE CAPITAL, LLC

Defendants.

Case No. 1:20-cv-235

(Travis County District Court,  
200<sup>th</sup> Judicial District Case No.  
D-1-GN-18-002929)

**DEFENDANTS' NOTICE OF  
REMOVAL OF CASE TO  
UNITED STATES DISTRICT  
COURT PURSUANT TO  
28 U.S.C. 1332(a)**

Defendants Assuravest, LLC and Hughes Private Capital, LLC, by its undersigned counsel, hereby remove Case No. D-1-GN-18-002929 from the 200<sup>th</sup> Judicial District Court for Travis County to the United States District Court for the Western District of Texas pursuant to 28 U.S.C. §§ 1332 (a) and 1446. In this case, diversity jurisdiction exists because there is complete diversity of citizenship

1 among the parties and the amount in controversy exceeds \$75,000.00 exclusive of  
2 interests and costs. Defendants consent to removal to federal court.

3 **FACTS**

4 This suit was initially filed on June 15, 2018 and styled Gloria Van Der Pas  
5 v. Hughes Private Capital and Assuravest. Ex. A.

6 Both defendants answered the lawsuit alleging a general denial. Ex. B

7 Paper discovery has been done in this initial suit and one deposition, of the  
8 Plaintiff, has been completed.

9 On January 15, 2020, the suit was amended adding two new parties, Steve  
10 Sixberry and Greg Hughes. Ex. C. Greg Hughes and Steven Sixberry were served  
11 on February 3, 2020. Ex. C-1.

12 Gloria Van Der Pas is a resident of Texas. All original and newly named  
13 Defendants are residents of Nevada. Complete diversity of citizenship exists  
14 between the parties.

15 Hughes Private Capital, LLC and Assuravest are also represented by the  
16 undersigned counsel and consent to the removal of this case. Thus, all Defendants  
17 agree to removal.

18 The amount in controversy in this case is greater than \$75,000.00. Attached  
19 as Exhibit D are the Plaintiff's amended responses to the Texas Request For  
20 Disclosure in which Plaintiff claims damages of more than \$82,000.

21  
22 All of the requirements for removal under 28 U.S.C. sec. 1332(a) are met.  
23

24 **JURISDICTION**

25 This court has jurisdiction pursuant to 28 U.S.C. § 1332(a) which states:

26 (a) The district courts shall have original jurisdiction of all civil actions  
27 where the matter in controversy exceeds the sum or value of \$75,000,  
28 exclusive of interest and costs, and is between—

(1) citizens of different States;

1  
2 In this case there is complete diversity as no plaintiff and no defendant are  
3 citizens of the same state.

4 28 U.S.C. §1446(c)(2) provides:

5 (2) If removal of a civil action is sought on the basis of the jurisdiction  
6 conferred by section 1332(a), the sum demanded in good faith in the initial  
7 pleading shall be deemed to be the amount in controversy, except that—

8 (A) the notice of removal may assert the amount in controversy if the  
9 initial pleading seeks—

10 (i) nonmonetary relief; or

11 (ii) a money judgment, but the State practice either does not  
12 permit demand for a specific sum or permits recovery of damages in  
13 excess of the amount demanded; and

14 (B) removal of the action is proper on the basis of an amount in  
15 controversy asserted under subparagraph (A) if the district court finds,  
16 by the preponderance of the evidence, that the amount in controversy  
17 exceeds the amount specified in section 1332(a).

18 In this case, the amount in controversy exceeds \$75,000.

### 19 PLEADINGS

20 Attached are copies of the Summons and Complaint filed with the State  
21 Court.

### 22 CONCLUSION

23 For the reasons stated above, removal of this case to Federal Court is  
24 appropriate.

25 DATED: \_March 2, 2020

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Attorney for Defendants

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